

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ASTOR GROUP, INC.,) CASE NO. 07-22176 JPK
) Chapter 11
Debtor.)

ORDER REGARDING EMERGENCY MOTIONS

On November 2, 2007, Altec Capital Services, LLC filed an Emergency Motion for Adequate Protection, or in the Alternative, Relief From the Automatic Stay ("Stay Relief Motion") and a motion designated as "Emergency Motion to Shorten Time for Cause" ("Notice Motion"). The Notice Motion proceeds on the erroneous assumption that N.D. Ind.L.B.R. B-2002-2 applies to motions for relief from the automatic stay filed in a chapter 11 case. That is not true: the "drop dead" procedure provided by that rule with respect to stay relief motions applies only in chapter 7 cases. Additionally, no provision of that rule applies the "drop dead" procedure to motions for adequate protection in any chapter. While perhaps not quite clearly worded, Rule B-2002-2(a)(1) applies exclusively to agreements relating to the matters addressed in that rule.

While Rule B-2002-2(e) authorizes the Court to direct the use of the "drop dead" procedure with respect to matters not otherwise within the provisions of the rule, the Court will not do so with respect to motions for stay relief or for adequate protection other than in the circumstances specifically directed by the rule.

Thus, the Notice Motion must be denied because it seeks a form of relief which is not available.

With respect to the Stay Relief Motion, the debtor's case was filed on August 15, 2007, and Altec took no measures recorded in this record in order to seek to protect its interests in the debtor's property until 2½ months after the case had been filed. Under these circumstances, it is difficult for the Court to perceive why circumstances now constitute an "emergency",

particularly in light of the fact the equipment which is the subject of the motion does not appear in any manner to be perishable property. The Court thus determines there is no emergency which requires the processing of the Stay Relief Motion in other than the manner customarily employed by the Court.

IT IS ORDERED that the Emergency Motion to Shorten Time For Cause is denied.

IT IS FURTHER ORDERED that a telephonic prehearing conference will be set separately with respect to the Stay Relief Motion.

Dated at Hammond, Indiana on November 14, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
US Trustee
Attorney for Creditor